

TULARE COUNTY WATER COMMISSION
MEETING MINUTES
March 9, 2015

Members Present:

Allen Ishida, Board Representative and Chairman
Richard L. Schafer, District 5 Appointee
Paul Boyer, District 1 Appointee
Chris Kapheim, District 4 Appointee
Mike Ennis, Board Alternate Representative
Roger Everett, At-Large Appointee

Members Absent:

Susana De Anda, At-Large Appointee
Dale Brogan, District 2 Appointee
Mark Larsen, District 3 Appointee
Rudy Mendoza, TCAG Representative

Staff Present:

Julieta Martinez, Tulare County Board of Supervisors
Denise England, County Administrative Office
Will Jackson, County Counsel

Members of the Public Present:

Ken Bowers
Bob Irvine
Brittney Watson
Paula Vinzat
Carole Clum
W. Dale Sally
William Gilmour
Michael Hickey
Kim Loeb
Carole Combs
Shane Smith
Richard Garcia
Kristin Dobbin
Michael Tharp
Cheyne Strawn
Marit Erickson

1. Call to Order

The meeting was called to order at

2. Public Comment Period

Carol Clum of Three Rivers spoke in regards to an article on neurotoxic pesticides called Neonicotinoids. Please see attachment for comments.

3. Approval of February 9, 2015 minutes

Tabled for next meeting due to lack of quorum.

4. Report on Groundwater Ordinances in other jurisdictions

Staff provided the Commission with a Memorandum summarizing groundwater ordinances of surrounding counties.

Will Jackson, County Counsel, summarized the content. The memorandum discussed seven counties who all have groundwater ordinances with the exception of Kings County. They all address the California drought more than the well ordinances. He stated that Fresno, Madera, Merced, Kern, San Luis Obispo and Stanislaus County all regulate the exportation of water.

Fresno, Madera, and Stanislaus County have ordinances regarding the exportation of groundwater. San Luis Obispo has a few different approaches. It requires all existing buildings that receive water from Los Osos Groundwater Basin to be retrofitted with low consumption plumbing fixtures prior to being sold. Certain County service areas there have watering restriction for two days a week. Also, in the Paso Robles Groundwater Basin, new or expanded irrigated crop production, conversion of dry farm or grazing land to new irrigated crop production, and new development dependent on a well is prohibited without an offset clearance. Essentially, there must be evidence showing that the new net water demand, the new proposed use, won't exceed the prior use. That was an interim ordinance passed on August 27, 2013 and is set to expire this year on August 26, 2015.

Some Counties have ordinances regarding groundwater exportation but these ordinances provide a variety of exemptions including contiguous parcels under common ownerships that are in two different jurisdictions, groundwater banking programs, short term water transfers, and a variety of exclusions.

Stanislaus County prohibits the unsustainable extraction of groundwater and the exportation of groundwater. Applications for new well construction permits must demonstrate that the extraction of groundwater from the proposed well will not constitute unsustainable extraction of groundwater.

Commissioner Boyer asked if there was a lawsuit filed against San Luis Obispo County because of the restrictions on high use crops on this land that was previously for grazing.

Mr. Jackson shared that San Luis Obispo County has an interim ordinance that has a set expiration. It was set up as an emergency plan until a permanent solution can be found.

Commissioner Boyer suggested Staff check for litigation to see if there were any consequences.

Commissioner Kapheim suggested seeking the services of a geohydrologist to look for potential impacts on an interim basis. He believes the County may want to look at impacts to agriculture and residential land.

Chairman Ishida stated that Merced and Stanislaus County used the same consultant, Sarge Green. He asked staff to invite him to a future meeting. Discussion followed.

5. Report on County well permits issued between May 2005 to December 2014

Denise England, Administrative Analyst, provided a report detailing well permits issues.

Chairman Ishida asked how many of these were domestic wells?

Michael Hickey, County of Tulare, stated that in 2014 there were 1910 well permit applications, 538 were domestic, 95 were municipal, and 1136 were irrigation. There was about a 2-1 ratio between irrigation and domestic.

Commissioner Schafer wanted to know if the County had the location of the wells.

Mr. Hickey informed him that the Health and Human Services Agency only has two people to work with well permits and do not have enough staff to cope with locations at the moment. Discussion followed.

Chairman Ishida asked Ms. England if the domestic wells were compiled into the number from the Office of Emergency Services.

Ms. England noted that there is a bit of a difference because the Office of Emergency Services is tracking wells that have gone dry and some people are pulling permits before wells go dry.

6. Report on Information from the DWR "Depth to Water" database

During the last meeting, there was a request for reports on depth to water or groundwater elevations. There were some complications on how data was presented. Staff is working to compile more data. The information should be forthcoming.

7. Subcommittee Reports

None at this time.

8. Staff Reports

- a. Sustainable Groundwater Management Act
 - i. Implementation in Tulare County

Ms. England shared that she continues to attend various meeting in regards to the SGMA.

Commission Kapheim stated that as far as the Kings River Basin goes, there most likely will be at least four different Groundwater Sustainability Agencies(GSA) to cover almost a million acres. It is required by statute to have a means of coordination and an MOU is one example. Fresno County would like to have a one size fits all scenario but that may not work. Discussion followed.

Commissioner Schafer shared that the first meeting of the participants of the Tule Basin will take place Monday at 2pm. The purpose is to convey not only the requirement of the act but to also provide information on what several persons believe to be the better process in developing a GSA. It should be an extensive meeting. All agencies extracting groundwater are invited. He expects 30 people. Discussion followed.

Ms. England stated that there is \$43,000 left on contract for the Tulare Lake Basin Disadvantaged Community Water Study and staff believes that will pay for a year's worth of meetings to continue to work through recommendations included in the report.

She also shared that Chairman Ishida and herself met on Feb. 18th with Martha Guzman in Sacramento. They discussed the disadvantaged community water study. It was a very positive meeting and she looks forward to what comes out of that. They also testified at an assembly hearing on the 18th in regards to water, the drought, and its effect in the County, specifically East Porterville.

9. Commissioners Comments

Chairman Ishida spent two days in Sacramento last week for two separate reasons. One was for transportation issues in the valley, water was also discussed. He was surprised that some of the legislature named sites is temperance flat. That was the first time he heard it mentioned.

He also attended the Sierra Nevada Conservancy meeting. They expect to receive \$10 million for watershed improvement projects. On the 19th of March the Conservancy will come down to Visalia and have meeting in the Board Chambers outlining requirements for the grants.

Commissioner Boyer commented that on Tuesday, March 24th the State Board will come down to the Fresno Regional Board Office to hold a workshop on Proposition One funding. It will begin at 9:30am.

10. Next meeting – Monday, April 13, 2015, 3:00 p.m. – Board of Supervisors Chambers

11. Adjourn

The meeting adjourned at 3:48pm.